

CHAPTER 5:	FIRE PROTECTION	224
SECTION 5.100	FIRE CODE	224
5.101	INTERNATIONAL FIRE CODE (2006 EDITION) ADOPTED	224
5.102	AMENDMENTS TO INTERNATIONAL FIRE CODE (2006 EDITION)	224
5.103	FIRE LANES	224.3
5.104	EMERGENCY ACCESS SYSTEMS	224.5
5.105	ENFORCEMENT	224.5.2
SECTION 5.200	EXPLOSIVES, BLASTING AGENTS, AMMUNITION	224.6
5.201	SCOPE	224.6
5.202	EXCEPTIONS	224.6
5.203	DEFINITIONS	225
5.204	PERMITS REQUIRED	227
5.205	BOND REQUIRED	230
5.206	GENERAL REQUIREMENTS	230
5.207	BLASTER'S LICENSE	230
5.208	EXPLOSIVES APPEAL BOARD	235
5.209	STORAGE OF EXPLOSIVES	236
5.210	GUNPOWDER	242
5.211	CLASS I MAGAZINES	242
5.212	CLASS II MAGAZINES	244
5.213	USE AND HANDLING OF EXPLOSIVES	245
5.214	TRANSPORTATION OF EXPLOSIVES	249
5.215	EXPLOSIVES AND BLASTING AGENTS AT TERMINALS	252
5.216	BLASTING AGENTS IN GENERAL	254
5.217	MIXING BLASTING AGENTS	254
5.218	TRANSPORTATION OF BLASTING AGENTS	255
5.219	SEIZURE OF EXPLOSIVES AND BLASTING AGENTS	255
SECTION 5.300	OFFICE OF FIRE MARSHAL	255
5.301	OFFICE OF FIRE MARSHAL CREATED; APPOINTMENT	255
5.302	FIRE MARSHAL TO INVESTIGATE ALL FIRES	256
5.303	FIRE MARSHAL TO TAKE TESTIMONY AND FURNISH EVIDENCE	256
5.304	FIRE MARSHAL TO SUMMON WITNESSES	256
5.305	UNLAWFUL TO DISOBEY ANY LAWFUL ORDER OF FIRE MARSHAL	256
5.306	INVESTIGATIONS BY FIRE MARSHAL MAY BE PRIVATE	257
5.307	FIRE MARSHAL MAY ENTER BUILDINGS WHERE FIRE HAS OCCURRED	257
5.308	FIRE MARSHAL TO MAKE PERIODIC INSPECTIONS AND REPORTS; AGGRIEVED PERSONS MAY APPEAL	257
5.309	UNLAWFUL TO MAINTAIN FIRE HAZARDS	258
5.310	OWNERS WHO MAINTAIN HAZARDS GUILTY OF MISDEMEANOR	258
5.311	VIOLATORS TO BE NOTIFIED BEFORE PROSECUTION	258
SECTION 5.400	ARSON REWARD	258
SECTION 5.500	BURNING OF TRASH PROHIBITED	259
5.501	UNLAWFUL TO BURN TRASH WITHIN CITY	259
5.502	EXCEPTIONS	259

SECTION 5.600	FIREWORKS	259
5.601	APPLICABILITY OF SECTION	259
5.602	FIREWORKS DEFINED	259
5.603	MANUFACTURE, SALE, POSSESSION, AND DISCHARGE	260
5.604	FIREWORK DISPLAYS; BOND AND PROOF OF FINANCIAL RESPONSIBILITY REQUIRED	260
5.605	DISPOSAL OF UNFIRED FIREWORKS	261
5.606	SEIZURE OF UNAUTHORIZED FIREWORKS	261
5.607	AFFIRMATIVE DEFENSE	261

CHAPTER 5

FIRE PROTECTION

SECTION 5.100 FIRE CODE

5.101 INTERNATIONAL FIRE CODE (2006 EDITION) ADOPTED

The 2006 edition of the *International Fire Code* (including Appendices A-G) as published by the International Code Council, one copy of which shall be placed on file in the office of the City Secretary of the City of Round Rock, Texas, is hereby adopted as the Fire Code of the City of Round Rock, Texas. Penalties, conditions and terms of said *International Fire Code* are hereby adopted and made a part hereof as if fully set out in this ordinance, except as amended hereafter.

(Ordinance No. 2536 of June 13, 1991 as amended by Ordinance No. G-94-08-25-9D of August 25, 1994 and Ordinance G-94-10-27-9A of October 27, 1994, Ordinance No. G-02-01-24-8C3 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

5.102 AMENDMENTS TO INTERNATIONAL FIRE CODE (2006 EDITION)

The *International Fire Code* is amended as follows:

- (a) Section 101.1. Inserted: City of Round Rock, Texas
- (b) Section 101.2.1. Amended to read: "Provisions in the appendices shall apply."
- (c) Section 107.5. Amended to read: "Correction and abatement of violations of this Fire Code shall be the responsibility of the owner and/or occupant."
- (d) Section 109.3. Amended to read: "Violations of any provision of this Fire Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense."
- (e) Section 111.4. Inserted: "Not less than \$1.00 or more than \$2,000.00."
- (f) Section 506.1. Amended to read: "**Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be a Knox-Box® and shall contain keys to gain necessary access as required by the fire code official. A key box is required in all commercial occupancies that have an alarm system, sprinkler system, standpipe system, any type of fire suppression system, any commercial building over 5,000 square feet or any commercial structure over 1,000 square feet that has two or more businesses or suites, any commercial business with an extraordinary hazard, and for any gated community or apartment complex."

- (g) Section 506.1.1. Amended to read: “**Locks.** An approved Knox®Padlock shall be installed on gates or similar barriers when required by the fire code official.”
- (h) Section 508.5.1. Amended to read: “Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.”
- (i) Section 510.1. Amended to read: “Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible. Access to fire protection equipment shall be within 15 feet of an exterior door, or must have wall mounted post indicator valves accessible from the exterior of the structure.”
- (j) Section 905.3.1. Amended to read: “Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet below the highest level of fire department vehicle access.

Exceptions:

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.

3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

4. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

5. In determining the lowest level of fire department vehicle access, it shall not be required to consider:

- 5.1. Recessed loading docks for four vehicles or less, and
- 5.2. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.”

- (k) Section 905.3.2. Amended to read: "Class I automatic wet standpipes shall be provided in Group A buildings having an occupant load exceeding 1,000 persons."
- (l) Section 905.3.4.1. Amended to read: "The cabinet containing the hose connections shall contain a fire extinguisher per section 906 in place of fire hose."
- (m) Section 912.3.1. Amended to read: "**Locking fire department connection caps.** The fire code official is authorized to require locking caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal. Where required, Knox®FDC plugs or FDC Stortz Caps shall be installed."
- (n) Section 3204.3.1.1. Inserted: "Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the City of Round Rock city limits, with the exception of areas zoned for industrial use. Storage of flammable cryogenic fluids may be permitted at the discretion of the fire chief following his/her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within one hundred feet (100') of the property line of any Group E, I or R occupancies."
- (o) Section 3404.2.9.5.1. Inserted: "The storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Round Rock, with the exception of those districts which are zoned for industrial use. Installation of above ground tanks in industrial districts shall be permitted at the discretion of the fire chief following his/her review of the proposed installation location and the fire protection for the storage area. When used in conjunction with Chapter 22, above ground storage will be allowed at the discretion of the fire chief. Tanks shall not be located within one hundred feet (100') of the property line of any Group E, I or R occupancies."
- (p) Section 3406.2.4.4. Inserted: "Storage of Class I and II liquids in above ground tanks is prohibited within the City of Round Rock city limits, with the exception of areas that are zoned for industrial use. Storage of Class I and II liquids may be permitted at the discretion of the fire chief following his/her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within one hundred feet (100') of the property line of any Group E, I or R occupancies."
- (q) Section 3804.2. Inserted: "Tanks shall not be located within one hundred feet (100') of the property line of any Group E, I or R occupancies."
- (r) Appendix D. Figure D103.1 dealing with cul-de-sac shall be amended to illustrate and read as follows: "100' DIAMETER CUL-DE-SAC."

(Ordinance No. 585 of February 22, 1979 as amended by Ordinance No. G-02-01-24-8C3 of January 24, 2002, and Ordinance No. G-06-12-07-10C1 of December 7, 2006)

Cross Reference: See also Section 3.300, Unsafe Building Abatement Code.

5.103 FIRE LANES

Whenever any provision regarding the regulation of fire lanes contained in the most recent edition of the International Fire Code adopted by the City are in conflict with the provisions of this subsection, the provisions of this subsection shall govern.

- _____ (1) (a) The owner, manager, or person in charge of any building or property for which fire lanes have been approved or required by the Fire Marshal or his authorized representative shall mark and maintain said fire lanes as provided below.
- (b) All curbs and curb ends shall be painted red with four inch (4") white lettering stating "NO PARKING - FIRE LANE", "FIRE LANE - TOW AWAY ZONE", or similar wording. Wording may not be spaced more than thirty feet (30') apart.
- (c) In areas where fire lanes are required but no continuous curb is available, one of the following methods shall be used, in conjunction with the curb markings, to indicate that the fire lane is continuous:
 - (i) Option #1: Signs twelve inches (12") wide and eighteen inches (18") in height with red lettering on a white background stating "NO PARKING - FIRE LANE", "FIRE LANE - TOW AWAY ZONE", or similar wording shall be mounted conspicuously along the edge of the fire lane. Signs may be spaced no more than sixty feet (60') apart and the lettering shall be at least 3/8" stroke; or
 - (ii) Option #2: From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, shall be marked with one continuous red stripe having a minimum width of at least four inches (4") painted on the drive surface behind the parking spaces. All curbing adjoining a fire lane must be painted red. Red stripes and curbs will contain the wording "NO PARKING-FIRE LANE", "FIRE LANE - TOW AWAY ZONE", or similar wording painted in four inch (4") white letters. Wording may not be spaced more than thirty feet (30') apart.
- (2) It shall be unlawful for any person to attempt to or to in fact alter, destroy, deface, injure, knock down, or remove any sign designating a fire lane required by the terms of this Code.
- (3) It shall be unlawful for any owner, manager, or person in charge of any premises to abandon or close a required fire lane without written permission of the Fire Marshal.
- (4) (a) It shall be unlawful for any person to park, place, allow, permit, or cause to be parked, placed, or remain unattended, any non-emergency motor vehicle, trailer, boat or similar obstruction within or upon an area

designated as a fire lane and marked by an appropriate sign or curb marking. There shall be a rebuttable presumption that the registered owner of any such motor vehicle, trailer, boat, or similar obstruction parked or unoccupied within an area designated as a fire lane or in such a manner as to obstruct in whole or in part any such fire lane is the person that parked, placed, or permitted to be parked or placed the motor vehicle, trailer, boat, or similar obstruction in such a manner.

- (b) The records of the Texas Department of Transportation or appropriate county office showing the name of the registered owner of the motor vehicle, boat or trailer or the person to whom the boat or trailer license is issued shall constitute prima facie evidence of ownership by the named person.
- (5) Any non-emergency motor vehicle, trailer, boat, or similar obstruction found parked or unoccupied within an area designated as a fire lane as required by this section is hereby declared a nuisance per se.
- (6) The Fire Marshal shall have power to modify any of the provisions of this subsection upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this subsection; provided that the spirit of this subsection shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the Fire Marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
- (7) (a) The Fire Marshal or any member of the Fire Department designated by the Fire Marshal, the Chief of Police, or any member of the Police Department designated by the Chief of Police are hereby authorized to issue parking citations for any motor vehicle, trailer, boat, or similar obstruction found parked or unattended in or upon a designated fire lane and may have such obstruction removed by towing it away. Such vehicle or obstruction may be redeemed by payment of the towage and storage charges at the owner's expense.
- (b) No parking citations shall be voided nor shall the violator be relieved of any penalty assessed by a judge of the Municipal Court for any provision by the redemption of the obstruction from the storage facility.
- (8) Any person who shall violate any of the provisions of this subsection or fail to comply herewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City, shall severally for each and every violation and noncompliance respectively be guilty of a misdemeanor.

(Ordinance No. G-03-04-24-13D2 of April 24, 2003)

5.104 EMERGENCY ACCESS SYSTEMS

Whenever any provision regarding the regulation of emergency access systems or gates contained in the most recent edition of the International Fire Code adopted by the City are in conflict with the provisions of this subsection, the provisions of this subsection shall govern.

(1) Definitions

The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

“Fire Marshal” shall mean the Fire Marshal of the City or his or her designee.

“Limited Access Drive” shall mean any vehicle access way from a public street to private property which has a device which limits or controls vehicle access onto the property.

“Limited Access Gates” shall mean a device located on private property which controls or limits access to more than one (1) residential dwelling.

“Gate opening system” shall mean the 3M Opticom Priority Control System or other substantially similar system approved by the Fire Marshal and compatible with the equipment currently installed in the City’s emergency vehicles.

“Owner” shall mean any person or persons, firm corporation, partnership, association or any other similar entity owning, keeping, being in control of, or managing a residential development or property.

“Primary Emergency Access” shall mean the drive or access point designed as the primary point or one of several primary points of ingress and egress for emergency vehicles.

“Secondary Emergency Access” shall mean a drive or access point designed as a secondary or back-up means of ingress and egress for emergency vehicles.

(2) General Requirements

(a) All limited access drives from public streets shall be designed to accommodate emergency service vehicles, including fire, police, and medical services vehicles. All limited access drives from public streets shall be designated as either a primary or secondary emergency access way, as determined by the Fire Marshal.

(b) All primary emergency access points shall be equipped to operate with a gate opening system in addition to any emergency key box. The gate opening system shall incorporate a fail-safe manual backup or automatic release in the event of a failure of the electrical or mechanical system. The gate opening system shall be maintained by the property owner in

good working condition at all times. The Fire Marshal shall have the right to inspect the gate opening system at any time.

- (c) All secondary emergency access points shall be equipped with a manual disconnect to allow manual opening of the gate by emergency service personnel. Such manual opening system may be an emergency key box or other device as approved by the Fire Marshal.
- (d) After December 31, 2003, any primary emergency access gate not fitted with a fully operational gate opening system must be left in the fully open position twenty-four (24) hours per day, seven days per week.

(3) Offenses

- (a) It shall be unlawful to damage, destroy, or tamper with an installed gate opening system or otherwise render an installed gate opening system inoperable.
- (b) After 12:00 midnight on December 31, 2003, it shall be unlawful to close or allow to be or remain closed, a limited access gate which is not fitted with a fully operational gate opening system and a manual backup gate opening system.
- (c) It shall be presumed that the owner of the property on which a violation of (a) or (b) has occurred is the party responsible for the offense.
- (d) An offense under (a) and (b) is a violation of an ordinance relating to fire safety and public health and is subject to the penalty under Section 1.601 of this Code.

(Ordinance No. G-03-04-24-13D1 of April 24, 2003)

5.105 ENFORCEMENT

In addition to other authority granted in this Code, the Fire Chief and any member of the Fire Department designated by the Fire Chief, shall be the enforcement officials for this Chapter. These officials, along with peace officers, shall have the authority to act on behalf of the City and the Fire Department in investigating complaints, issuing stop work orders, summarily abating violations at the owner's or occupant's expense, closing establishments pending corrective action, issuing citations and taking other lawful actions as required to enforce the provisions of this Chapter.

These officials shall have the authority to order an operation or use to be stopped, or the evacuation of any area, premises, building or vehicle or portion thereof, which contains or is a fire hazard or when it is determined to be necessary in the interest of public safety or the safety of emergency personnel. It shall be unlawful for any person to refuse to evacuate upon such order, to resist or obstruct the evacuation of another person, or to refuse or resist an order to stop an operation or use. These officials shall have the authority to order the disconnection of utilities to a building or portion thereof to alleviate an immediate and imminent threat to life or property that is occurring in violation of this Chapter or to alleviate a fire or life safety hazard that causes an immediate threat to a building or person. It is unlawful for any person to resist, interfere with or refuse to comply with an order issued under this Chapter. Such an order may be verbal or in writing.

These officials, along with peace officers, shall also have the authority to issue citations for vehicles parked within 15 feet of a fire hydrant in violation of Section 545.302 of the Texas Transportation Code. Any vehicle found parked in violation of that Section or Section 5.103 of this Chapter regarding Fire Lanes may be removed and impounded at the direction of these officials or a peace officer and any expenses incurred by such removal or impoundment shall be the responsibility of the owner or operator of the vehicle.

(Ordinance No. G-06-09-28-13D1 of September 28, 2006)

SECTION 5.200 EXPLOSIVES, BLASTING AGENTS, AMMUNITION

Chapter 19 of the Standard Fire Code entitled “Explosives, Blasting Agents, Ammunition” is hereby revised to read as follows:

5.201 SCOPE

This section shall apply to the manufacture, possession, storage, sale, transportation, and use of explosives and blasting agents.

5.202 EXCEPTIONS

Nothing in this section shall be construed as applying to:

- (1) The Armed Forces of the United States or the State Militia.
- (2) Explosives in forms prescribed by the official United States Pharmacopoeia.

- (3) The sale, possession or use of fireworks.
- (4) The possession, transportation and use of small arms ammunition.
- (5) The possession, storage, transportation and use of not more than twenty (20) pounds of smokeless powder and two-thousand (2,000) small arms primers for hand loading of small arms ammunition for personal use.
- (6) The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service or Police and Fire Departments acting in their official capacities.
- (7) Special industrial explosive devices which in the aggregate contain less than fifty (50) pounds of explosives.

5.203 DEFINITIONS

- (1) Blasting Agent shall mean any material or mixture consisting of a fuel or oxidizer, intended for blasting, not otherwise classified as an explosive, in which none of the ingredients are classified as explosives; provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitrocarbonitrates by the Department of Transportation regulations shall be included in this definition.
- (2) Bullet Resistant shall mean materials and construction methods capable of preventing penetration of a 180 grain, 30 caliber, soft nose, hunting type bullet, when propelled at a maximum velocity of two thousand, seven-hundred (2,700) feet per second.
- (3) Explosives, (for the purpose of this section) shall mean any substance, or combination of substances, that is commonly used for the purpose of detonation and which upon exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat. The term “explosives” shall include, but shall not necessarily be limited to, all of the following:
 - (a) Substances determined to be Class A and Class B explosives as classified by the U.S. Department of Transportation.
 - (b) Nitrocarbonitrates substances (blasting agent) as classified by the U.S. Department of Transportation.
 - (c) Any material designated as an explosive by the State Fire Marshal.
 - (d) Certain Class C explosives as designated by the U.S. Department of Transportation.

- (4) Gunpowder shall mean any of various powders used in firearms and small arms ammunition as propelling charges.
- (5) Special Industrial Explosive Device shall mean any explosive powerpack containing an explosive charge in the form of a cartridge or construction device. The term includes but is not limited to explosive rivets, explosive bolts, explosive charges for driving pins or studs, cartridges for explosive-actuated power tools and charges of explosives used in jet tapping of open hearth furnaces and jet perforation of oil well casings.
- (6) Special Industrial High Explosive Material shall mean sheets, extrusions, pellets and packages of high explosives, containing dynamite, trinitrotoluol, pentaerythritoltetranitrate, cyclotrimethylene-trinitramine or other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.
- (7) Test Blasting Cap No. 8 shall mean one containing two (2) grams of a mixture of eighty (80) percent mercury fulminate and twenty (20) percent potassium chlorate, or a cap of equivalent strength.
- (8) Class A Permit is an instrument indicating approval by the city engineer, or his designate, for the use of explosives or blasting agents, as required by Subsection 5.204 (1)(c), at the specified location for a time period of forty-five (45) days from the date of issuance.
- (9) Class B Permit is an instrument indicating approval by the city engineer, or his designate, for the use of explosives or blasting agents, as required by Subsection 5.204 (1)(c), at the specified location for a time period of one hundred twenty (120) calendar days from the date of issuance.
- (10) Class C Permit is an instrument indicating approval by the city engineer, or his designate, for the use of explosives or blasting agents, as required by Subsection 5.204 (1)(c), at the specified location for a time period of one (1) year from the date of issuance.

(Ordinance No. 550 of August 10, 1978)

- (11) Class D Permit is an instrument indicating approval by the city engineer or his designee for the use of explosives or blasting agents as required by Subsection 5.204 (1)(c), at the specified location for a period of ten (10) days from the date of issuance.
- (12) Blaster's License is an instrument issued by the city engineer, or his designee, authorizing certain individuals to engage in the loading, firing, and supervision of the loading or firing, of explosive materials in accordance with pertinent ordinances, resolutions, and regulations in the City of Round Rock.
- (13) Inhabited Building is a building regularly occupied in whole or in part as a habitation for human beings, or any church, school, railway passenger station,

store, airport terminal for passengers or any other building or structure where people are accustomed to congregate and assemble, but excluding any building or structure occupied in connection with manufacture, transportation, storage and use of explosives and blasting agents.

(Ordinance No. 2330 of March 24, 1988)

5.204 PERMITS REQUIRED

(1) Permits Shall Be Obtained

- (a) To manufacture, possess, store, sell or otherwise dispose of explosives or blasting agents.
- (b) To transport explosives or blasting agents.
- (c) To use explosives or blasting agents.
- (d) To operate a terminal for handling explosives or blasting agents.
- (e) To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
- (f) To transport blasting caps or electric blasting caps on the same vehicle with explosives.

(2) Exceptions

Permits required by paragraph (1) of this subsection shall not be issued for:

- (a) Liquid nitroglycerin.
- (b) Dynamite (except gelatin dynamite) containing over sixty (60) percent of liquid explosive ingredient.
- (c) Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
- (d) Nitrocellulose in a dry and uncompressed condition in quantity greater than ten (10) pounds net weight in one (1) package.
- (e) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
- (f) Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when

subjected for forty eight (48) consecutive hours or less to a temperature of 167°F (75°C).

- (g) New explosives until approved by the U.S. Department of Transportation, except that permits may be issued to educational, governmental, or industrial laboratories for instruction or research purposes.
- (h) Explosives condemned by the U.S. Department of Transportation.
- (i) Explosives not packed or marked in accordance with the requirements of the U.S. Department of Transportation.
- (j) Explosives containing an ammonium salt and a chlorate.

(3) No Explosives to be Kept at Place of Habitation
or Within One Hundred (100) Feet

No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation, or within one hundred (100) feet thereof.

(4) Storage of Explosives Not to Exceed
That Authorized in Permit

No person, possessing a permit for storage of explosives at any place, shall keep or store any greater amount or other kind of explosives than are authorized in such permit.

(5) City Engineer May Require Explosive
Operations to be Supervised

The city engineer may require that any operations permitted under the provisions of subsection 5.204 (1)(b) or (c) shall be supervised at any or all times by employees of the city, designated by the city engineer to see that all safety and fire regulations are observed. Where, in the opinion of the city engineer, no undue hazard to life or property exists, the required supervision may be waived.

(6) City Engineer May Deny Permit

When in the opinion of the city engineer or his designate, there is a substantial danger to life, health, or property in the immediate area exposed to the blasting for which a permit is being requested, said permit may be denied.

(7) City Engineer May Request Comments
From Utilities or Franchise Holders

The city engineer or his designate may request written comments on each permit application from the various affected City of Round Rock utilities or franchise

holders. When in the opinion of the city engineer, such utility or franchise holder has valid objection to the issuance of a permit, no permit shall be approved until such objection has been resolved to the satisfaction of the city engineer or his designate.

(8) Blaster to Apply to City Engineer For Blasting Permit

To obtain a permit as required by this subsection, the licensed blaster or his authorized representative shall file with the city engineer or his designate an application in writing on a form to be furnished for that purpose.

Each application shall describe the proposed work, the location of such work, and such other pertinent information as may be required by the city engineer.

(Ordinance No. 550 of August 10, 1978)

(9) Permit Fees

Permits authorized by the provisions of subsection 5.204 (1)(c), shall be issued only upon payment of the appropriate fee as set out in the following schedule:

- (a) Class A Permit - \$150.00
Class A Permits will be issued for a period of forty five (45) calendar days. One (1) extension not to exceed ten (10) calendar days may be approved by the city engineer without additional fees.
- (b) Class B Permit - \$350.00
Class B Permits will be issued for a period of one hundred twenty (120) calendar days. One (1) extension not to exceed thirty (30) calendar days may be approved by the city engineer without additional fees.
- (c) Class C Permit - \$550.00
Class C Permits will be issued for a period of one (1) year and may be renewed annually subject to the requirements for obtaining a permit. Renewal fees shall be \$550.00.
- (d) Class D Permit - \$100.00
Class D Permits will be issued for a period of ten (10) calendar days.

The various City of Round Rock departments, the utilities and city franchise holders, where normally engaged in such work as described in this section shall not be required to pay permit fees.

(Ordinance No. 2364 of October 27, 1988)

5.205 BOND REQUIRED

Before a permit is issued as described above, the applicant shall file with the jurisdiction, a corporate surety bond in the principal sum of three hundred thousand dollars (\$300,000.00), or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any legal judgment results. The city engineer may specify a greater amount when, in his opinion, conditions at the location of use indicate a greater amount is required. Public agencies shall be exempt from this bond requirement. The city engineer may cancel this permit for any violation of this section.

5.206 GENERAL REQUIREMENTS

(1) Manufacture of Explosives

The manufacture of explosives shall be prohibited unless such manufacture is authorized by the city engineer.

(2) Storage of Explosives

The storage of explosives and blasting agents is prohibited within the limits established by law as the limits of the district in which such storage is to be prohibited, except for temporary storage for use in connection with approved blasting operations; provided, however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds of explosive material.

(3) Quantity of Explosives May be Limited

The city engineer may limit the quantity of explosives or blasting agents to be permitted at any location.

(4) Explosives Restricted to Authorized Locations

No person shall possess, offer for sale, sell or display explosives or blasting agents at any location not authorized by permit issued by the city engineer.

(Ordinance No. 550 of August 10, 1978)

5.207 BLASTER'S LICENSE

(1) License Required

No person shall engage in the use of explosive materials within the City of Round Rock unless that person is a licensed blaster or is under the direct

supervision of a licensed blaster. Any person engaging in the use of explosives who is not a licensed blaster or working under the direct supervision of a licensed blaster, or who violates any provision of this section, shall be subject to the criminal sanctions imposed for violations of this Code. No person shall engage in the use of explosive materials within any area determined by the Fire Department to be so congested that only specialized, controlled, and technical blasting can ensure public safety unless such person has a Class A blaster's license.

Such congested areas shall include downtown Round Rock, areas in and adjacent to schools, hospitals, and densely populated residential areas, and other areas in which blasting would pose a high risk of damage to property or injury to the public, except as permitted by other subsections of this section. The necessity of the appropriate blaster's license shall be determined during preconstruction construction planning by the city engineer or his designee. Further, the city engineer or his designee may accept an appropriate blaster's license granted by another municipality if said municipality has agreed to accept blaster's licenses issued by the City of Round Rock.

(2) Classifications of Blasting Licenses

There shall be four classifications of blasters: Class "A" blaster; Class "B" blaster; Class "C" blaster; and Class "S" blaster. In order to obtain a Class "C" blaster's license, the applicant must satisfy the requirements of paragraphs (a) and (b) of this subsection. In order to obtain a Class "B" blaster's license, the applicant must satisfy the requirements of paragraphs (a) and (c) of this subsection. In order to obtain a Class "S" blaster's license the applicant must satisfy the requirements of paragraphs (a) and (e).

(a) General Requirements for all Blasters

In order to obtain a blaster's license of any classification, the applicant shall:

- (i) Be at least twenty-one (21) years of age;
- (ii) Be in adequate physical and mental condition to perform the work required;
- (iii) Be able to understand and give written and oral directions in the English language;
- (iv) Be not addicted to alcohol, or to narcotics and other dangerous drugs;
- (v) Have a working knowledge of federal, state, and local laws and regulations pertaining to explosive materials;

- (vi) Have no revoked, suspended, or terminated blaster's license, or any criminal action involving blasting activities pending in a federal, state, or municipal court of law; and,
- (vii) Pay the license fee in accordance with the schedule established by the city council.

(b) Requirements for Class "C" Blaster

In order to obtain a Class "C" blaster's license, the applicant must satisfy all of the following requirements:

- (i) The applicant satisfies the requirements of paragraph (a) of this subsection.
- (ii) The applicant has at least two (2) years experience in the field of transportation, storing, handling and use of explosive materials and submits credible documentary proof of such experience.
- (iii) The applicant takes and passes a test which demonstrates that the applicant has adequate knowledge to safely handle or use explosive materials.

(c) Requirements for Class "B" Blaster

In order to obtain a Class "B" blaster's license, the applicant must satisfy all of the following requirements:

- (i) The applicant satisfies the requirements of paragraph (a) of this subsection.
- (ii) The applicant has held a Class "C" blaster's license from the City of Round Rock for a period of at least two (2) years or has at least four (4) years of experience in the field of transporting, storing, handling, and using explosive materials and submits credible documentary proof of such experience.
- (iii) The applicant must take the Class "B" blasting test and achieve a grade of at least 70.

(d) Requirements for Class "A" Blaster

In order to obtain a Class "A" blaster's license, the applicant must satisfy all of the following requirements:

- (i) The applicant satisfies the requirements of paragraph (a) of this subsection.

- (ii) The applicant has held a Class “B” blaster’s license from the City of Round Rock for at least two (2) years or the applicant has at least six (6) years of experience in the field of transporting, storing, handling, and using explosive materials and submits credible documentary proof of such experience.
- (iii) The applicant must be knowledgeable in designing blasting programs, in figuring powder factors, and in deploying the precise use of delay blasting for all phases of construction.
- (iv) The applicant must be capable of instructing others in the explosives field.
- (v) The applicant must take the Class “A” blasting test and achieve a grade of at least 70. The test will consist Of one hundred questions taken from the Dupont Blaster’s handbook, and the City of Round Rock blasting regulations.

(e) Requirements for class “S” Blaster

In order to obtain a Class “S”, blaster’s license, the applicant must satisfy all of the following requirements:

- (i) The applicant satisfies the requirements of paragraph (a) of this subsection.
- (ii) The applicant has had a Class ”C”, blaster’s license from the City of Round Rock for a period of at least two (2) years or has at least four (4) years of experience in the field of transporting, storing, handling, and using explosive materials and submits credible documentary proof of such experience.
- (iii) The applicant takes the Class “S” blaster’s test and achieves a grade of at least 70.

(Ordinance No. 2330 of March 24, 1988)

(3) License to Remain in Effect for One Year

A license issued hereunder shall remain in full force for one (1) year from the date it was issued unless revoked, suspended, or terminated by the city engineer or his designate. Reexamination may be required by the city engineer before a license is renewed should the performance of an individual license holder indicate the need for such reexamination.

(Ordinance No. 550 of August 10, 1978)

(4) License Fee

A fee of one hundred dollars (\$100.00) shall be charged for initial issuance of each license.

(Ordinance No. 2364 of October 27, 1988)

(5) License Not Transferable

No license shall be assigned or transferred.

(6) City Engineer May Revoke License

All licenses approved under this subsection are conditioned that all work performed shall be done with faithful and strict compliance with the terms of all federal and state laws, permits, pertinent ordinances, resolutions, and regulations of the City of Round Rock. Violations of such conditions as determined by the city engineer or his designate, shall be cause for the revocation, suspension, or termination of such license for any period up to one (1) year by the city engineer, or his designate. The city engineer or his designate may reinstate a revoked, suspended or terminated license only after resolution of first offense violations. No license shall be approved by the city engineer and issued to any person who has had a license revoked, suspended or terminated more than once without the approval of the Explosives Appeal Board.

(Ordinance No. 550 of August 10, 1978)

(7) Applicant Failing Examination

If an initial applicant for a blasting license fails to pass the required examination, the applicant shall not be eligible for reexamination for a period of thirty (30) days. If an applicant fails to pass the required examination at any subsequent time, he shall not be eligible for another examination for a period of six (6) months following such failure.

(8) Restrictions Applicable to Class "C" Blasters

Although a Class "C" blaster may blast under instruction and direction of a Class "A" or Class "B" blaster, a class "C" blaster shall not be named on the blasting permit as the responsible blaster except on permits for blasting operations involving uninhabited areas.

(9) Restrictions Applicable to Class "S" Blasters

A Class "S" blaster is restricted to blasting operations involving swimming pools and septic tanks.

(10) Restrictions Applicable to Class “B” Blasters

A Class “B” blaster is restricted from blasting operations involving swimming pools and septic systems unless a Class “S” rider is attached to the Class “B” license. To obtain a Class “S” rider, a Class “B” blaster must pass the Class “S” blaster’s test and achieve a grade of at least 70.

EXCEPTION: Blasters holding only Class “B” licenses may conduct blasting operations involving swimming pools and septic systems for up to a year after the effective date of this section or until the blaster’s Class “B” license requires renewal, whichever occurs first.

(Ordinance No. 2330 of March 24, 1988)

(11) Acceptance of City of Austin Licenses

A valid City of Austin license applicable to the respective blasting classification shall satisfy these blasting requirements.

(Ordinance No. 2364 of October 27, 1988)

5.208 EXPLOSIVES APPEAL BOARD(1) Powers and Duties of Board

An Explosives Appeal Board shall be established which shall conduct hearings and make decisions regarding action taken by the city engineer or his designate, upon the issuance, revocation, suspension, or termination of permits and licenses authorized by this section.

(2) Membership; Term of Office

The Explosives Appeal Board shall be composed Of five (5) members appointed by the city council for a term of one (1) year. All board members shall have experience in the use of explosives and be familiar with pertinent City of Round Rock Codes, ordinances, resolutions, and regulations. In the selection of three (3) of the above members, the city council shall choose one (1) member from the construction industry, one (1) from the explosives manufacture/supply industry, and one (1) licensed blaster, should such person be able and willing to serve, and meet the approval of the city council.

(3) Handling of Appeals; Distribution of Findings

Any person who has been denied issuance of a permit or license authorized by this section or who has had a permit or license revoked, suspended or terminated by the city engineer or his designate, may appeal such action by notifying the chairman of the Explosives Appeal Board in writing within ten (10) calendar days of such action by the city engineer.

Upon receipt in writing of an appeal pursuant to this subsection, the chairman of the Explosives Appeal Board shall call a meeting within ten (10) days of the receipt of the appeal and shall notify the applicant in writing of the time and place of the hearing. Complete minutes shall be taken of all the proceedings of the Explosives Appeal Board, and the findings and decision of the board shall be in writing. The minutes and decision of the Explosives Appeal Board shall be distributed to all members of the board, to persons appealing to the board and to the city engineer.

5.209 STORAGE OF EXPLOSIVES

(1) Explosives to be Stored in Magazines

Explosives, including special industrial high-explosive materials, shall be stored in magazines which meet the requirements of this section.

(2) Custody of Magazines

Magazines shall be in the custody of a competent person at all times who shall be at least twenty-one (21) years of age and who shall be held responsible for compliance with all safety precautions.

(3) Open Flames Prohibited Within
Fifty (50) Feet of Magazines

Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside or within fifty (50) feet of magazines. Combustible materials shall not be stored within fifty (50) feet of magazines.

(4) Surrounding Land to be Kept Clear of Debris

The land surrounding magazines shall be kept clear of brush, dried grass, leaves, trash and debris for a distance of at least fifty (50) feet.

(5) Magazines to be Kept Locked

Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

(6) Magazines to be Kept Clean

Magazines shall be kept clean, dry and free of grit, paper, empty packages and rubbish.

(7) Artificial Heat or Light Approved

Magazines shall not be provided with other than approved artificial heat or light. Approved electric safety flash lights or safety lanterns may be used.

(8) Certain Explosives Not to be Stored

Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(9) Type Magazines Allowed

Magazines shall be of two (2) types, namely; Class I and Class II.

(10) Storage of Explosives Exceeding One Hundred (100) Pound

Storage of explosives in quantities exceeding one hundred (100) pounds shall be in a Class I magazine, except that a Class II magazine may be used for temporary storage of a larger quantity of explosives at the site of blasting operations where such amount constitutes not more than one (1) day's supply for use in current operations. At the end of the day's operations, any remaining explosives shall be safely destroyed or returned to a Class I magazine.

(11) Storage of Explosives of One Hundred (100) Pounds or Less

Storage of explosives in quantities of one hundred (100) pounds or less shall be in Class I or Class II magazines, except that explosives in any quantity when stored in remote locations shall be in Class I, bullet resistant magazines.

(12) Location of Magazines

Class I and Class II magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in conformity with the provisions of the American Table of Distances for Storage of Explosives, Table No. 201, except as provided in paragraph (13) below.

(13) Distance to be Maintained

At the site of blasting operations, a distance of not less than one hundred (100) feet shall be maintained between Class I magazines and the blast area. Class II magazines shall be kept not less than one hundred fifty (150) feet from the blast area when the quantity of explosives temporarily kept therein is in excess of twenty five (25) pounds and not less than fifty (50) feet when the quantity of explosives is twenty-five (25) pounds or less.

(14) Packages of Explosives

Packages of explosives shall not be unpacked or repacked in a magazine nor within fifty (50) feet of a magazine or in close proximity to other explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(15) Magazines to Store Explosives Only

Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, blasting agents and oxidizers used in compounding blasting agents. The quantity of blasting agents and oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

(16) Disposition of Deteriorated Explosives

When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosive, then the person in possession of such explosive shall immediately report the fact to the city engineer, and upon his authorization shall proceed to destroy such explosives and clean floors stained with nitroglycerin in accordance with the instructions of the manufacturer. Only experienced persons shall do the work of destroying explosives.

TABLE 201: AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

EXPLOSIVES		DISTANCE IN FEET WHEN STORAGE IS BARRICADED			
Pounds Over	Pounds Not Over	From Inhabited Buildings	From Passenger Railways	From Public Highways	Separation of Magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82

TABLE 201: AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

EXPLOSIVES		DISTANCE IN FEET WHEN STORAGE IS BARRICADED			
Pounds Over	Pounds Not Over	From Inhabited Buildings	From Passenger Railways	From Public Highways	Separation of Magazines
12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

TABLE 201: AMERICAN TABLE OF DISTANCE FOR STORAGE OF EXPLOSIVES

NOTES:

- (1) All types of blasting caps in strengths through No. 8 be rated at 1½ pounds of explosives per 1000 caps.
- (2) Barricaded means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point twelve (12) feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.
- (3) Artificial Barricade means an artificial mound or revetted wall of earth of a minimum thickness of three (3) feet.
- (4) Natural Barricade means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.
- (5) When a building containing explosives is not barricaded, the distances shown in the Table shall be doubled.
- (6) Inhabited Building means a building regularly occupied in whole or in part as a habitation for human beings, or any church, school, railway station, store, or other structure occupied in connection with the manufacture, transportation, storage, or use of explosives.
- (7) When two (2) or more storage magazines are located on the same property, each magazine shall comply with minimum distances specified from inhabited buildings, railways, and highways, and in addition they shall be separated from each other by not less than the distances shown from "Separation of Magazines", except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, shall be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and shall comply with the distances specified from other magazines, inhabited buildings, railways, and highways.
- (8) This Table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

5.210 GUNPOWDER(1) Storage

The city engineer may authorize the storage of smokeless powder not to exceed one hundred (100) pounds, black sporting powder not to exceed five (5) pounds, and small arms primers not to exceed twenty thousand (20,000), in approved establishments. Smokeless powder exceeding twenty (20) pounds shall be stored in an approved Class II magazine. Small arms primers shall be stored in a manner prescribed by the city engineer.

(2) Display of Smokeless Powder

The display of smokeless powder shall only be in original containers and shall not exceed twenty (20) pounds.

(3) Small Arms Primers

Small arms primers shall not be stored or displayed with smokeless powder or other explosives.

(4) Smokeless Powder Not to be Repackaged

Smokeless powder shall not be repackaged except in original type containers and repackaging shall only be permitted in locations designated and approved by the city engineer.

(5) Black Sporting Powder Not to be Repackaged

The repackaging of black sporting powder shall not be permitted.

5.211 CLASS I MAGAZINES(1) Structure

A magazine may be a building or excavation, tunnel or igloo, or military-type magazine or a portable magazine constructed as required in this section.

(2) Magazines to be Resistant

Class I magazines shall be bullet resistant, fire resistant, weatherproof, theft resistant and well ventilated. Exception: Magazines used for the storage of blasting agents, Class B and Class C explosives need not be bullet resistant.

(3) Building-Type Magazines

Building-type magazines shall be constructed of masonry, wood, metal or a combination of these materials when bullet resistance is required.

- (a) Masonry units not less than eight (8) inches in thickness with all hollow spaces filled with concrete, well-tamped sand, or equivalent material, or
- (b) Reinforced concrete not less than six (6) inches in thickness, or
- (c) Steel walls of minimum manufacturers standard gauge No. 14 (.0747 inch) may be used, provided there are two (2) layers spaced at least six (6) inches apart with all hollow spaces filled with concrete, well tamped sand or equivalent material, or
- (d) One (1) layer of manufacturers standard gauge No. 6 (.1943 inch) or heavier steel, lined on the interior with a minimum of four (4) inches of wood, or
- (e) Two (2) layers of manufacturers standard gauge No. 6 (.1943 inch) or heavier steel, spaced a minimum one half ($\frac{1}{2}$) inch apart and lined on the interior with a minimum of two (2) inches of wood, or
- (f) Two (2) layers of wood, at least two (2) inches nominal thickness each, spaced a minimum of four (4) inches apart with the hollow spaces filled with concrete, well-tamped sand, or equivalent material.
- (g) The roof shall also be protected when the magazine is located where it is possible to fire a bullet directly through it into the explosives stored inside.

NOTE: Any sheeting used shall be tongue and groove lumber or plywood.

(4) Doors

Doors shall be of bullet resistant construction and shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are locked and closed.

Doors shall be equipped with substantial and approved means of locking. Each door shall be equipped with two (2) separate locks or a lock requiring two (2) separate keys. All padlocks shall be protected with steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(5) Floors

Floors of magazines shall be securely fastened in place and shall be capable of withstanding the loads imposed.

(6) Roofs and Exterior Sides

The roofs and exterior sides of building-type magazines may be of wood construction covered with not less than No. 26 gauge metal. Roofs of building-type magazines located where it is possible to fire a bullet directly

through the roof into the magazine at such an angle that the bullet would strike the explosives therein, shall be constructed according to subsection 5.211 (3), or equipped with a sand tray located at the eaves line and covering the entire magazine ceiling area except that necessary for ventilation. Sand in the sand tray shall be maintained at a depth of not less than four (4) inches.

(7) Ventilation

Magazines shall be ventilated to minimize dampness and heating of stored explosives. Ventilation openings shall be screened with 14 mesh, No. 21 gauge wire to prevent the entrance of sparks and shall be protected in a manner that will maintain the bullet resistance of the magazine.

(8) Interiors

Magazine interiors shall have a smooth finish with all nails, screws, bolts, and nuts countersunk or blinded.

(9) Approaches to Magazines

The approaches to magazines shall be provided with warning signs reading, "EXPLOSIVES - KEEP OUT" in red letters not less than four (4) inches in height and a stroke of at least $\frac{5}{8}$ inch. The lettering shall be imposed upon a white background. Location of signs shall be within one hundred (100) feet of the magazine and so placed that a bullet through the sign will not strike the magazine.

(10) Warning Sign on Door

There shall be posted an additional warning sign on the door with the letters not less than two (2) inches in height and a stroke of $\frac{1}{4}$ inch on a contrasting background reading, "EXPLOSIVES, DANGEROUS."

5.212 CLASS II MAGAZINES

(1) Construction

Class II magazines shall be constructed of wood, metal, fiber, or a combination thereof, or any equivalent construction.

Class II magazines shall be well constructed as follows:

- (a) Two (2) inch nominal thickness lumber covered on the exterior with a minimum of No. 20 manufacturers standard gauge steel, or
- (b) Two (2) thicknesses of one (1) inch plywood covered on the exterior with minimum No. 20 manufacturers standard gauge steel, or

- (c) Fiber equal in strength to wood as indicated in (a) and (b) above covered on the exterior with a minimum of No. 20 manufacturers standard gauge steel, or
- (d) Minimum No. 14 manufacturer's standard gauge steel, lined on the interior with one (1) layer of one (1) inch thick plywood, or
- (e) Material of equal strength and fire resistance.

(2) To Be Located For Easy Removal

Class II magazines containing explosives and located in buildings shall be located for easy removal in case of fire.

(3) To Be Painted

Class II magazines shall be painted red and when size permits shall bear lettering in white on sides and top, at least three (3) inches high with a one-half (1/2) inch stroke which reads, "EXPLOSIVES."

(4) To Be Adequately Secured

Class II magazines containing explosives, left at locations where no one is in attendance, shall be adequately secured to prevent their theft.

5.213 USE AND HANDLING OF EXPLOSIVES

(1) Blasting Operations

Blasting operations shall be conducted during daylight hours except when authorized at other times by the city engineer.

(2) Who May Handle and Fire Explosives

The handling and firing of explosives shall only be performed by the person possessing a valid Explosives Certificate issued by the city engineer, or by employees under his direct personal supervision who are at least eighteen (18) years of age.

(3) Handling While Under the Influence
of Drugs and Intoxicants Prohibited

No person shall handle explosives while under the influence of intoxicants or narcotics.

(4) Smoking Prohibited

No person shall smoke or carry matches while handling explosives or while in the vicinity thereof. No smoking signs shall be posted in areas where explosives are being handled. The signs shall be visible for at least twenty five (25) feet.

(5) Open Flame Light Prohibited

No open flame light shall be used in the vicinity of explosives.

(6) Utilities to be Notified in Advance of Blasting

Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representative of such utilities at least twenty-four (24) hours in advance of blasting, specifying the location and intended time of such blasting. In an emergency, this time limit may be waived by the city engineer.

(7) Conduct of Blasting

Blasting operations shall be conducted in accordance with nationally recognized good practice.

(8) Pre-Blast Precautions

Before a blast is fired, the person in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and a loud warning signal has been sounded.

(9) Precautions Against Accidental Discharge

Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity.

These precautions shall include:

- (a) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electrical storm.
- (b) The posting of signs warning against the use of mobile radio transmitters on all roads within three hundred fifty (350) feet of the blasting operations.
- (c) Compliance with nationally recognized good practice when blasting within one and one-half (1½) miles of broadcast or high-power short wave transmitters.

(10) When Adequate Blasting Mat Required

When blasting is done in a congested area or in close proximity to a building, structure, railway, highway, or any other installation that may be damaged by material being thrown into the air, the blast shall be covered with an adequate blasting mat. Proof that any such building, structure, railway, highway, vehicle, conveyance, or other installation was damaged to any degree by material which was so thrown into the air shall raise a rebuttable presumption that said blast was not covered with an adequate blasting mat. For purposes of this subsection, an otherwise adequate blasting mat used improperly shall not be considered to be an adequate blasting mat.

(11) Tools

Tools used for opening packages of explosives shall be constructed of non-sparking materials.

(12) Packing Materials to be Disposed of

Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be disposed of in a manner approved by the city engineer.

(13) Explosives Not to be Abandoned

Explosives shall not be abandoned.

(14) Exposed Blasting Cap Lead Wires

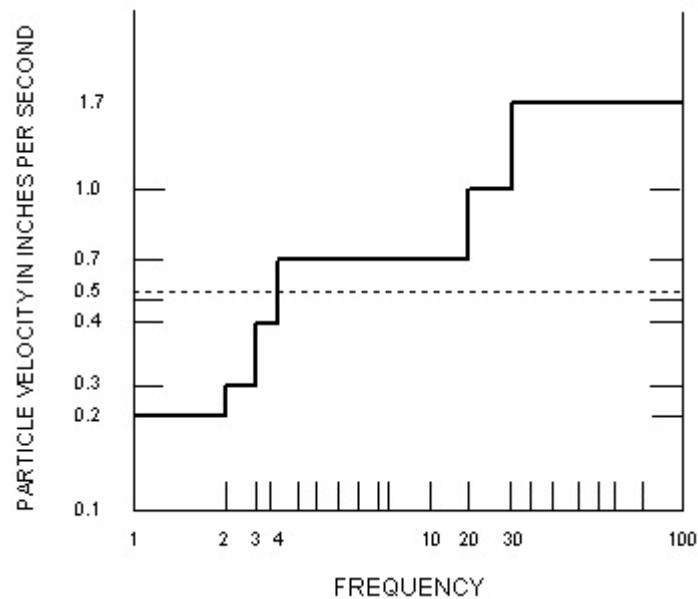
All exposed blasting cap lead wires in the ground from previous shots shall be removed at the end of the work day.

(Ordinance No. 550 of August 10, 1978)

(15) Particle Velocities

Particle velocities shall not exceed the safe levels indicated in Figure A below and in no case shall particle velocities exceed 1.7 inches per second. Monitoring of particle velocities for all blasting operations shall be carried out as outlined in this section. When particle velocities exceed 0.5 inches per second, blast frequencies in excess of the safe limits specified herein will require the immediate suspension of blasting and procedures to correct the excess velocity or frequency. The city engineer or his designee may grant or require variances from this limit as required to adequately protect the public safety. Air over pressures shall not exceed 129 decibels on 5/6 hertz high pass monitoring system.

FIGURE A



Safe Levels of blasting vibration using a combination of velocity and displacement.

(16) Blast Monitors

Blast monitors, such as a seismic blast recording machine, are required for all blasting operations for which a permit is issued by the City of Round Rock unless specifically exempted by the city engineer or his designee. Blast monitors may be inspected by the city engineer or his designee. Frequency and air over pressures need not be monitored until six (6) months after the effective date of this section unless specifically required by the city engineer or his designee.

(17) Monitoring Technician

Monitoring technician, not employed by a blasting operator, shall be used whenever a blast monitor is required. Monitoring technicians shall be trained in proper placement of monitor sensors and proper functioning of the instrument to be used. All monitoring reports shall carry the seal of a State of Texas Professional Engineer indicating the accuracy and validity of such reports.

(18) Blasting Trunk Wire

Blasting trunk wire of 18 gauge minimum shall be used while conducting blasting operations under permits.

(19) Approved Blasting Machines

Approved blasting machines shall be used. All other equipment is prohibited.

(20) Detonating Cord

Detonating cord may be used only when approved on the blasting permit. Unauthorized use of detonating cord shall result in the temporary suspension of the blasting permit and/or blaster's license.

(21) Other Conditions set by City Engineer, or his Designee

Other conditions set by city engineer or his designee to the approval of a permit application that are necessary, in his opinion, to adequately protect the public health and safety. These conditions may include, but are not limited to, reduced allowable particle velocities, additional monitoring, increased insurance protection, hours of operation, type and amount of explosives used and engineered blasting plans.

(22) No Blasting on Sundays, Legal Holidays,
or Between 5:00 P.M. and 8:00 A.M.

Except with written approval, no blasting shall be done on Sundays, legal holidays, or between the hours of 5:00 p.m. and 8:00 a.m.

(23) Pre-Blast Notification

All blasting operations shall be preceded by a pre-blast notification to the owners or managers of all affected premises. The range of the pre-blast notification shall be at the discretion of the blaster or as required by the permit.

(Ordinance No. 2330 of March 24, 1988)

5.214 TRANSPORTATION OF EXPLOSIVES(1) Transporting Explosives Restricted

Explosives shall not be carried or transported in or upon a public conveyance or vehicles carrying passengers for hire.

(2) Requirements of Vehicles Transporting Explosives

Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and shall be in good mechanical condition. If vehicles do not have a closed body, the explosives shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. Such vehicles shall have tight floors, and exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking material to

prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of open-body vehicles.

(3) City Engineer Approval Required

Explosives shall not be transported on any vehicle not authorized by the city engineer.

(4) Fire Extinguishers Required

Every vehicle when used for transporting explosives shall be equipped with not less than one (1) approved type fire extinguisher with a minimum rating of 2-A, 10-B,C, or two (2) approved type fire extinguishers, one (1) of which shall have a minimum rating of 2-A and the other a minimum rating of 10-B,C. Extinguishers shall be so located as to be readily available for use.

(5) Vehicles Transporting Explosives to be Inspected

It shall be the duty of the person to whom a permit has been issued to transport explosives over the highways of the municipality, to inspect those vehicles employed by him to determine that:

- (a) Fire extinguishers are filled and in operating condition.
- (b) Electric wires are insulated and securely fastened.
- (c) The motor, chassis and body are reasonably clean and free of excessive grease and oil.
- (d) The fuel tank and fuel line are securely fastened and are not leaking.
- (e) Brakes, lights, horn, windshield wipers and steering mechanism are functioning properly.
- (f) Tires are properly inflated and free of defects.
- (g) The vehicle is in proper condition for transporting explosives.

(6) Spark-Producing Metals Not to be Carried

Spark-producing metals or spark-producing metal tools shall not be carried in the body of a vehicle transporting explosives.

(7) Dangerous Articles Restricted

Only those dangerous articles authorized by the U.S. Department of Transportation to be loaded with explosives shall be carried in the body of a vehicle transporting explosives.

(8) Flame-Producing Devices Prohibited

No person shall carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives; or drive, load or unload any such vehicle in a careless or reckless manner.

(9) Drivers of vehicles Transporting Explosives

Vehicles transporting explosives shall be in the custody of drivers who are physically fit, careful, capable, reliable, able to read and write the English language, not addicted to the use or under the influence of intoxicants or narcotics, and not less than twenty-one (21) years of age. They shall be familiar with state and municipal traffic regulations, and the provisions of this section governing the transportation of explosives.

(10) Explosives Signs Required

Vehicles transporting explosives shall display explosives signs on both sides, front and rear conforming to the requirements of the Vehicle Code.

(11) Blasting Caps to be Separated From Other Explosives

Blasting caps and electric blasting caps when transported on the same vehicle with other explosives shall be separated from the other explosives by containment within a Class II magazine.

(12) Congested Traffic to be Avoided

Vehicles transporting explosives shall be routed to avoid congested traffic and densely populated areas.

(13) Transporting Through Tunnels or Subways Prohibited

Explosives shall not be transported through any completed vehicular tunnel or subway.

(14) Vehicles Not to be Left Unattended

Vehicles transporting explosives shall not be left unattended at any time within the jurisdiction.

(15) Passengers on Transporting Vehicles

Unless authorized by the city engineer, no person other than the driver and one (1) assistant who is at least eighteen (18) years of age, shall ride on any vehicle transporting explosives.

(16) Requirements When Involved in Accidents

The fire and police departments shall be promptly notified when a vehicle transporting explosives is involved in an accident, breaks down, or catches fire. Only in the event of such an emergency shall the transfer of explosives from one vehicle to another be allowed on highways within the jurisdiction and only when qualified supervision is provided. Except in such an emergency, a vehicle transporting explosives shall not be parked before reaching its destination except at stopping and parking places designated and approved by the city engineer.

(17) Delivery

Delivery shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

(18) Restrictions on Repairs or Storage

Vehicles containing explosives shall not be taken into a garage, or repair shop, for repairs or storage.

5.215 EXPLOSIVES AND BLASTING AGENTS AT TERMINALS(1) City Engineer May Designate Permitted Locations

The city engineer may designate the location and specify the maximum quantity of explosives or blasting agents which may be loaded, unloaded, reloaded or temporarily retained at each terminal where such operations are permitted.

(2) Shipments to Comply With Federal Regulations

Shipments of explosives or blasting agents delivered to carriers shall comply with the U.S. Department of Transportation regulations.

(3) Carriers to Notify City Engineer

Carriers shall immediately notify the city engineer when explosives or blasting agents are received at terminals.

(4) Carriers to Notify Consignees

Carriers shall immediately notify consignees of the arrival of explosives or blasting agents at terminals.

(5) Truck Terminals to Conform to Conditions

Truck terminals where explosives are loaded, unloaded or transferred shall conform to the following conditions:

- (a) There shall be no above-ground storage tanks of flammable or combustible liquids or other hazardous substances on the terminal property or on immediate adjoining property, which would present a significant exposure hazard.
- (b) There shall be no structures or occupancies on immediately adjoining property which would constitute a serious exposure hazard to the terminal.
- (c) The terminal property shall be sufficiently large that dock or vehicle storage areas containing explosives shall be a minimum of fifty (50) feet from any structure on adjoining property.
- (d) Adequate access to adjoining streets shall be provided to and from the terminal property. Local routes between terminals and deviations from state approved routes shall be prescribed by the city engineer.
- (e) Explosives shall be kept in vehicles to the greatest extent possible. During transferring or loading operations, the explosives should remain on the ground or on docks for as short a time as possible.
- (f) Specific areas of docks shall be designated for the temporary "storage" of explosives, during loading or transferring operations. A minimum distance shall be specified and maintained between this designated area and all other materials on the dock. Combustible storage and particularly flammable or combustible liquids shall be kept at the greatest possible distance from this designated area.
- (g) At all times, a watchman or guard shall be on duty on the terminal property and he shall be capable of driving all equipment in the area. At times when there are a substantial number of vehicles carrying explosives in the terminal, additional persons capable of driving shall be provided.
- (h) Adequate security against unauthorized persons entering the terminal shall be provided. In metropolitan areas, this will require a fence and adequate gates.
- (i) The terminal shall be adequately lighted for normal observation of all vehicles containing explosives.
- (j) Adequate fire protection appliances shall be provided for the loading dock near the designated explosives area and near parked vehicles.
- (k) A specific area of the terminal property shall be designated for vehicles containing explosives.
- (l) Vehicles containing any special inherent hazard, such as mechanical refrigeration equipment, shall be kept separated from the area designated for the parking of explosives vehicles.

- (m) Shipments of explosives shall be transported without unnecessary delay, keeping the explosives in the terminal an absolute minimum length of time, not to exceed forty-eight (48) hours, excluding Sundays and holidays.

5.216 BLASTING AGENTS IN GENERAL

(1) To Be Handled in the Same Manner as Explosives

Except when subject to U.S. Department of Transportation regulations, blasting agents shall be stored, handled and used in the same manner as explosives.

(2) Ammonium Nitrate Stores

Any ammonium nitrate stores at a closer distance to the blasting agent storage area than as provided in paragraph (3) below shall be added to the quantity of blasting agents to calculate the total quantity involved for application of the American Table of Distances,

(3) Separation Distances Between Mixing Units

Minimum intra-plant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be in conformity with the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from explosives or blasting agents as set forth in NFPA pamphlet No. 495, Appendix A.

5.217 MIXING BLASTING AGENTS

(1) Buildings and Other Facilities Used for Mixing

Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways, and public highways, in accordance with the provisions of the American Table of Distances for Storage of Explosives, Table No. 201.

(2) Production of Blasting Agents Limited

Not more than eight (8) hours' production of blasting agents or the limit determined by the American Table of Distances for Storage of Explosives, Table No. 201, whichever is less, shall be permitted in or near the building or other facility used for mixing blasting agents. Larger quantities shall be stored in magazines.

(3) Construction of Blasting Facilities

Buildings or other facilities used for the mixing of blasting agents shall be designed and constructed in accordance with the Building Code.

(4) Mixing of Blasting Agents

Compounding and mixing of recognized formulations of blasting agents shall be conducted in accordance with nationally recognized good practice.

(5) Smoking or Open Flames Not Permitted

Smoking or open flames shall not be permitted in or within fifty (50) feet of any building or facility used for the mixing of blasting agents.

(6) Empty Oxidizer Bags to be Disposed of Daily

Empty oxidizer bags shall be disposed of daily in a manner approved by the city engineer.

5.218 TRANSPORTATION OF BLASTING AGENTS

Vehicles transporting blasting agents not subject to U.S. Department of Transportation regulations shall comply with all requirements of subsection 5.214 except that they shall be marked or placarded on both sides, front and rear, with the words "BLASTING AGENTS" in letters not less than four (4) inches in height and approximately 2 $\frac{5}{8}$ inch stroke on a contrasting background.

5.219 SEIZURE OF EXPLOSIVES AND BLASTING AGENTS

The city engineer may seize, take, remove or cause to be removed at the expense of the owner all explosives, ammunition or blasting agents offered or exposed for sale, stored, possessed or transported in violation of this section.

(Ordinance No. 550 of August 10, 1978)

SECTION 5.300 OFFICE OF FIRE MARSHAL5.301 OFFICE OF FIRE MARSHAL CREATED; APPOINTMENT

The office of fire marshal is hereby created, which office shall be under the supervision and direction of the fire chief. Any action or responsibility of the fire marshal may be performed by his designee.

(Ordinance No. 2462 of February 22, 1990)

5.302 FIRE MARSHAL TO INVESTIGATE ALL FIRES

The fire marshal shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this section.

5.303 FIRE MARSHAL TO TAKE TESTIMONY AND FURNISH EVIDENCE

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with Such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

5.304 FIRE MARSHAL TO SUMMON WITNESSES

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this section a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

5.305 UNLAWFUL TO DISOBEY ANY LAWFUL ORDER OF FIRE MARSHAL

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of said investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted. Provided, however, that any person so convicted shall have the right of appeal.

5.306 INVESTIGATIONS BY FIRE MARSHAL MAY BE PRIVATE

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

5.307 FIRE MARSHAL MAY ENTER BUILDINGS WHERE FIRE HAS OCCURRED

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this section, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

5.308 FIRE MARSHAL TO MAKE PERIODIC INSPECTIONS AND REPORTS;
AGGRIEVED PERSONS MAY APPEAL

The fire marshal, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, annually or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues, and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or system, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the fire fighters or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if said owner or occupant deems himself aggrieved by such order, he/she may, within five (5) days, appeal to the city manager, who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. At the end of each month the fire marshal shall report to the State Fire Marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.

5.309 UNLAWFUL TO MAINTAIN FIRE HAZARDS

Any owner or occupant of a building or other structure or premises, who shall keep or maintain the same when for want of repair, or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein, shall be punished as provided for in this Code.

5.310 OWNERS WHO MAINTAIN HAZARDS GUILTY OF MISDEMEANOR

Any owner or occupant of any building or other structure, or premises, who shall keep or maintain the same with any improper arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health, or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition which shall be dangerous in the matter of promoting, augmenting or causing fires; or which shall create conditions dangerous to fire fighters or occupants of such building, structure or premises other than the maintainer thereof; shall be punished as provided for in this Code.

5.311 VIOLATORS TO BE NOTIFIED BEFORE PROSECUTION

No prosecution shall be brought under subsections 5.309 and 5.310 of this section until the order provided for in subsection 5.308 be given, and the party notified shall fail or refuse to comply with the same.

(Ordinance No. 229 of May 13, 1958)

SECTION 5.400 ARSON REWARD

The city council of the City of Round Rock, Texas, hereby offers a reward of two hundred and fifty dollars (\$250.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of Round Rock, Texas. This reward is a standing offer and shall be paid out of the General Fund of the City of Round Rock, Texas.

(Ordinance No. 200 of June 11, 1963)

SECTION 5.500 BURNING OF TRASH PROHIBITED**5.501 UNLAWFUL TO BURN TRASH WITHIN CITY**

It shall be unlawful for any person within the city limits of Round Rock, Texas, to burn any type of trash, brush, or any other type of burnable debris within the city limits of Round Rock, Texas, except as provided in subsection 5.502 below.

5.502 EXCEPTIONS

Citizens may burn tree leaves and brush from shrubs, after first obtaining approval from neighbors and permission from the city.

(Ordinance No. 202 of May 14, 1968)

SECTION 5.600 FIREWORKS**5.601 APPLICABILITY OF SECTION**

- (1) This section shall apply to fireworks, except as provided in paragraph (2) below:
- (2) Nothing in this section shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not prohibited in this section; or the sale of any kind of fireworks, provided that the same are to be shipped directly out of state, in accordance with the Interstate Commerce Commission regulations covering the transportation of explosives and other dangerous articles by motor, rail, and water; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports; or for use by military organizations.
- (3) The storage, offering for sale, exposing for sale, selling at retail, possession, or using or exploding any fireworks is hereby declared to be a nuisance, and this section shall be applicable and in force in the corporate limits and within the area immediately adjacent and contiguous to the city and extending for a distance outside the city for a total of five thousand feet (5,000), and it shall be unlawful to do or perform any act in violation of this section within such area of five thousand feet (5,000) outside the city.

(Ordinance No. G-05-02-10-11B1 of February 10, 2005 as amended by Ordinance No. G-05-06-23-13A1 of June 23, 2005)

5.602 FIREWORKS DEFINED

For the purpose of this section, fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion,

deflagration, or detonation, including blank cartridges, toy pistols, toy canons, toy canes, or toy guns in which explosives are used; the type of balloons which require fire underneath to propel the same; firecrackers; torpedoes; skyrockets; Roman candles; sparklers; or other devices of like construction; and any devices containing any explosive substance, except that the term fireworks shall not include auto flares, paper caps containing not in excess of any average twenty-five hundredths (0.25) of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns, or other devices for the use of such caps, the sale and use of which shall be permitted at all times.

5.603 MANUFACTURE, SALE, POSSESSION, AND DISCHARGE

- (1) The manufacture of fireworks is prohibited within the city.
- (2) Except as provided in this section, it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, possess, or use or explode any fireworks; provided, that the state fire marshal or other appropriate state official or department, or any city authorities delegated by the state fire marshal, may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by cities, fair associations, amusement parks, and other organizations or group of individuals. Such permits may be granted upon application to the state fire marshal and after approval of the city, police and fire authorities, and the filing of a bond by the applicant as provided in this section. Every such display shall be handled by competent operators licensed or certified as to competency by the state fire marshal and shall be of such composition, character, and so located, discharged or fired as in the opinion of the fire marshal, after proper inspection, and of the chief of police, shall not be hazardous to property or endanger any persons.
- (3) Application for permits shall be made, in writing, at least thirty (30) days in advance of the date of the display. After such privilege has been granted, sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- (4) The sale, possession, use, and distribution of fireworks for display purposes shall be conducted in accordance with nationally recognized good practices. (See NFPA No. 49-1964 ed.)

(Ordinance No. G-05-06-23-13A1 of June 23, 2005)

5.604 FIREWORK DISPLAYS; BOND AND PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

- (1) The city council shall require a bond for a licensee under this section, in a sum not less than one thousand dollars (\$1,000.00), conditioned on compliance with the provisions of this section and the regulations of the state fire marshal; provided, that no municipality shall be required to file such bond.

- (2) Before any permit for a pyrotechnic display shall be issued, the person making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person or any agent or employee thereof, in such amount, character, and form as the state fire marshal determines to be necessary for the protection of the public.

5.605 DISPOSAL OF UNFIRED FIREWORKS

Any fireworks that remain unfired after a display under this section is concluded shall be immediately disposed of in any way safe for the particular type of fireworks remaining.

5.606 SEIZURE OF UNAUTHORIZED FIREWORKS

The fire marshal, chief of police, or their designates shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this section.

(Ordinance No. 921 of August 27, 1981)

5.607 AFFIRMATIVE DEFENSE

- (1) In this section, “passenger area” means the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle. The term does not include:
- (a) a glove compartment or similar storage area that is locked;
 - (b) the trunk of a vehicle; or
 - (c) the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk.
- (2) It is an affirmative defense to prosecution of a charge of possession of fireworks under this section if:
- (a) the defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and
 - (b) the fireworks were not in the passenger area of the motor vehicle.

(Ordinance No. G-05-06-23-13A1 of June 23, 2005)